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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/856,944	05/15/97	HOFFMANN	E 4100-77CON

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EXAMINER	
FISHER, J	

ART UNIT	PAPER NUMBER
2854	#30

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/856,944	Eduard Hoffmann et al
Examiner	**Group Art Unit**
J R Fisher	2854

☒ Responsive to communication(s) filed on *Mar 4, 1999* .

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *THREE* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-17* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-17* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

o **Claims 1 and 2 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Kobler et al (5,488,903) in view of Fantoni (4,964,338), Johnson (1,690,684), Tittgemeyer (4,913,048) and in view of an acknowledgment of prior art under 35 USC 102(f) or (g). Applicants have acknowledged that the prior art (prior to his disclosed subject matter) teaches that printing sleeves for printing and transfer forms "...can be slipped by means of pressurized air over a printing cylinder core in the known manner and affixed thereto by shutting off the air supply..." (Specification, page 1, Description of the Prior Art). This disclosure is available as prior art under 35 USC 102(f) or (g) or on the admission per se. In re Fout 675 F. 2d 297, 213 USPQ 532 (CCPA 1982).

Kobler et al (5,488,903) discloses a metal carrying sleeve for printing and transfer forms, comprising a rectangular, thin-walled flat metal sheet that is bent to a desired hollow cylindrical form so that two edges of the flat sheet face one another. A weld seam permanently connects together the facing edges of the sheet, and a homogeneous, continuous and outer circumferential surface is formed by processing

the surface so that continuous printing is possible. Claim 1 recites a homogeneous, continuous and uniform outer circumferential metal surface including the weld seam and formed by processing the surface and the weld seam so that continuous printing is possible. It is noted that Kobler et al disclose a metal weld seam (Johnson and Fantoni also disclose a metal seam). Applicants have contended that there is no disclosure in Kobler et al (5,488,903) of a homogeneous, continuous and uniform outer circumferential surface formed by processing the surface and the weld seam. In this regard, Fantoni (4,964,338) discloses a metal carrying sleeve for printing comprising a rectangular, thin-walled flat metal sheet that is bent to a desired hollow cylindrical form so that two edges of the flat sheet face one another. A butt seam connects together the facing edges of the sheet to form a homogeneous, continuous and uniform outer circumferential surface formed by processing the surface and the weld seam. Fantoni (4,964,338) clearly teaches that the formed butt seam for the printing plate produces a homogeneous, continuous and uniform surface, i.e., "...a **continuous surface** of the printing plate along the butt joint..." (col.2); The seam "...ensures **continuity on the external surface** of the printing plate between those portions of the outer side of the deformed sheet 4 which flank the inlet..." (col. 3); the seam produces a "...**smooth and continuous or external surface of the plate**..." (col. 3), and establishes "...a **smooth transition** between those portions of said external surface which are adjacent said inlet..." (cl. 9).

Johnson (1,690,684) discloses a metal carrying sleeve for dyeing (printing) comprising a rectangular, thin-walled flat metal sheet that is bent to a desired hollow cylindrical form so that two edges of the flat sheet face one another. A metal weld seam connects together the facing edges of the sheet to form a homogeneous, continuous and uniform outer circumferential surface formed by processing the surface and the weld seam. Johnson (1,690,684) teaches that "..The outer surface of the welding material, as at 13a, which protrudes beyond the surface of the sheet metal cylinder 12, is then preferably finished off in a known manner to the outer surface of the sheet metal, and if desired, the entire outer surface may be turned or machined to a true cylinder..." (page, col. 1).

Claim 1 has been amended to recite "..the weld seam having an initial crowned configuration..." As broadly recited, the configuration of the welded seam before processing, as claimed, would have been obvious to one of ordinary skill in the art. This is especially so in view of the teaching of the same in Johnson (1,690,684) who discloses a conventional welded seam having an outwardly directed crown before processing the surface. The motivation would have involved merely the obvious utilization of conventional welding techniques. It would have been obvious to one having ordinary skill in the art at the time the invention was made to process the surface and the weld seam in Kobler et al (5,488,903) so as to achieve a homogeneous, continuous and uniform outer circumferential surface in a manner and

for the reasons as taught by each of Fantoni (4,964,338) and Johnson (1,690,684). The motivation would have involved the desire to achieve a uniform continuous outer circumferential surface for the reasons as taught by each of Fantoni (4,964,338) and Johnson (1,690,684).

Accordingly, Johnson teaches the processing of the surface so as to achieve a homogeneous, continuous and uniform outer surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to process the surface and the weld seam in Kobler et al (5,488,903) so as to achieve a homogeneous, continuous and uniform outer circumferential surface in a manner and for the reasons as taught by each of Fantoni (4,964,338) and Johnson (1,690,684). The motivation would have involved the desire to achieve a continuous and uniform outer circumferential surface for the reasons as taught by each of Fantoni (4,964,338) and Johnson (1,690,684).

With respect to applicant's remarks, Johnson (1,690,684) teaches that the outer surface of the welding material, which protrudes beyond the surface of the sheet metal cylinder 12, is finished off in a known manner to the outer surface of the sheet metal, and that the entire outer surface may be turned or machined to a true cylinder.

Claim 1 was previously amended to recite that "...the sheet is expandable and slidable onto a printing cylinder via pressurized air..." It is noted that this recitation is set forth in purely functional terms. These article claims do not positively recite any

system components for performing that function Accordingly, such functional recitation does not patentably define over the references as applied. However, Tittgemeyer (4,913,048) has been applied to teach that it is conventional to mount a carrying sleeve onto printing cylinder by sliding the sleeve onto the printing cylinder via pressurized air. Further, applicants have acknowledged (35 USC 102(f) or (g) or on the admission per se) in their specification that the prior art teaches that it is conventional to mount a carrying sleeve on a printing cylinder by sliding the sleeve onto the printing cylinder via pressurized air. It would have been obvious to one having ordinary skill in the art at the time the invention was made to broadly utilize any conventional cylinder mounting arrangement for the sleeve in Kobler et al if such were desired in place of the mounting system used therein. For example, it would have been obvious to slide the sleeve onto the cylinder via pressurized air in a manner as taught by Tittgemeyer (4,913,048) and as taught by the admission of prior art as noted above. Note that Kobler et al teach that the web 10 need not be connected with the weld seam. The suggestion and motivation for such a modification is found in the self-evident advantages thereof, such as the substitution of known alternatives of equivalent mounting arrangements so as to obtain the expected and desired results therefrom.

- **Claim 3 is rejected under 35 U.S.C. § 103(a)** as being unpatentable over Kobler et al (5,488,903) in view of the secondary references, as applied to claim 1